

REMARKS

The claims have been amended in accordance with the Examiner's suggestions to overcome informalities noted.

Claims 1 and 5 have been rejected by the Examiner under 35 USC 112, first paragraph, because the specification, while being enabling for the use of ozone and treating carious lesions, it is not reasonably provide enablement for the use of "oxidizing gas" generally.

In response thereto, the Applicant has amended the claims 1 and 5 to define the directed stream to be ozone gas.

The Examiner has also rejected claims 1 and 5 on the ground of non-statutory obvious type double patenting as being unpatentable over claims 1 and 2 of U.S. Patent No. 6,669,931 in view of WO 99/64020.

In response thereto, to overcome this rejection, the Applicants herewith submit a terminal disclaimer in favor of U.S. 6,669,931 along with a check in the amount of \$65 for the statutory disclaimer fee.

In view of the amendment to the claims and statutory disclaimer, it is submitted that each of the claims now in the application define patentable subject matter not anticipated by the art of record and not obvious to one skilled in this field who is aware of the references of record. Reconsideration and allowance are respectfully requested.

Respectfully submitted,

Walter A. Hackler, Reg. No. 27,792

Attorney of Record

2372 S.E. Bristol, Suite B

Newport Beach, California 92660

(949) 851-5010

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS  
BEING DEPOSITED WITH THE U.S. POSTAL SERVICE  
AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED  
TO: COMMISSIONER OF PATENTS, PO BOX 1450  
ALEXANDRIA, VIRGINIA 22313-1450, ON

*May 25, 2006*  
*5/25/06*

(DATE SIGNED)

WALTER A. HACKLER  
REG. NO. 27,792